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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

ORIGINAL  
FILE

August 12, 1992

Ms. Donna Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: NARUC EX PARTE COMMENTS - Two Copies Filed In the  
Proceeding Titled:

In the Matter of the Use of N11 Codes and Other  
Abbreviated Dialing Arrangements

CC Docket No. 92-105

Dear Ms. Searcy:

On May 6, 1992, the FCC issued a Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceeding seeking comments on the proposed use, allocation, and assignment of a limited number of pay-per-call type information services via N11 Local Exchange Carrier ("LEC") service arrangements. The NPRM tentatively concludes that N11 codes should be available for abbreviated dialing unless they're needed as area codes. Initial and Reply Comments were filed on the NPRM on June 5, 1992 and July 25, 1992.

At its July 1992 Meeting, a few days after the final date for filing comments expired, the National Association of Regulatory Utility Commissioners ("NARUC") adopted a resolution which provided information on NARUC positions relevant to this proceeding.

Accordingly, I am, pursuant to 47 C.F.R.1.1206(1), submitting, for the record, two copies of this letter. I have attached a copy of the July Resolution Opposing the Use of N11 Service Codes for Enhanced Service Providers for your information and use.

There are a few aspects of the resolution that I would like to call to the Commission's attention.

No. of Copies rec'd 02/  
List A B C D E

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 Mary Clark Webster, Massachusetts

\*Member of the Executive Committee of the Association.

NARUC, like the Administrator of the North American Numbering Plan (Bellcore), and several other commentators, has serious reservations about the FCC's NPRM. Specifically, NARUC contends as follows:

- o **N11 SERVICE CODES SHOULD NOT BE USED FOR INDIVIDUAL ESPS.**
- o **THE FCC SHOULD COOPERATE WITH THE STATES TO DEVELOP GUIDELINES FOR THE USE OF N11 SERVICE CODES ON A NATIONWIDE BASIS FOR PUBLIC SERVICES.**
- o **THE FCC SHOULD INITIATE FURTHER INQUIRY INTO THE EXPANDED USE OF OTHER ABBREVIATED DIALING ARRANGEMENTS, SUCH AS NXX# AND NNXX#.**
- o **If the FCC chooses to make N11 service codes or any other abbreviated dialing arrangements available for use with intrastate enhanced/information services, AT A MINIMUM, BOTH THE COMMUNICATIONS ACT AND GOOD POLICY REQUIRE THAT THE ASSIGNMENT OF THOSE CODES BE WITHIN THE JURISDICTION OF THE STATES. Under the Communications Act, clearly, jurisdiction to assign access codes for intrastate services lies with the states.**
- o **IF the FCC authorizes the use of N11 service codes or authorize any other type of abbreviated dialing plan, THEN THE FCC SHOULD ADOPT CONSUMER SAFEGUARDS LIKE THOSE PROPOSED BY NARUC IN ITS JULY 1991 RESOLUTION ON 900 PAY-PER-CALL SERVICE. [The text of this resolution is also attached to this letter for your information and use.]**
- o **NARUC opposes any Federal legislation or FCC Rules that would preclude states from enacting additional safeguards and/or more stringent rules for the use of N11 service codes or any other type of abbreviated dialing plan**

**NARUC has taken these positions because -**

- o **Use of N11 service codes and abbreviated dialing arrangements for enhanced service operations could lead to consumer confusion and complaints similar to those associated with 900/976 services.**
- o **Nationwide public service uses for N11 service codes, such as access to dual party relay services, could be undermined if N11 service codes are used unwisely.**
- o **Recall of an N11 service code from an Enhanced Service Provider (ESP) would lead to customer confusion and probable litigation.**

Ms. Donna Searcy, Secretary  
Federal Communications Commission  
NARUC'S AUGUST 12, 1992 WRITTEN EX PARTE PRESENTATION

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- o The proposed use of N11 codes would be primarily for the provision of intrastate information and related services. Regulation of such services, including end user access to those services, is within the jurisdiction of the states.
- o Other abbreviated dialing arrangements, such as NNX# or NXX#, could be used for assignment to ESPs.

NARUC respectfully requests that the Commission carefully examine and implement the proposals described in this letter.

Respectfully submitted,



James Bradford Ramsay  
Deputy Assistant General Counsel

NARUC'S JULY 1992

Resolution Opposing the Use of N11 Service Codes  
for Enhanced Service Providers

**WHEREAS**, The Federal Communications Commission (FCC), on May 6, 1992, released a Notice of Proposed Rulemaking (NPRM) inviting comment on proposed rules concerning the use of N11 codes and other abbreviated dialing arrangements; and

**WHEREAS**, The FCC tentatively concluded in the NPRM that there should be federal rules governing the use of certain N11 service codes, that certain service codes should be available for use by Enhanced Service Providers (ESPs), and that local exchange carriers (LECs) should be permitted to select any reasonable code allocation method; and

**WHEREAS**, In the NPRM, the FCC invited comment on several subjects including recalling N11 codes from current or future uses, sale and transfer of N11 service codes, alternative dialing schemes, and the role of state commissions should have in the allocation of N11 numbers in the event demand exceeds supply; and

**WHEREAS**, N11 service codes, which are a subset of area codes, are a scarce numbering resource, with only eight (8) possible codes available, 211 through 911; and

**WHEREAS**, The use of any N11 code as a telephone number eliminates the potential use of the eight million (8,000,000) telephone numbers that normally subtend an area code thereby depleting this limited public resource; and

**WHEREAS**, N11 service codes may be needed for assignment as Number Plan Area (NPA) codes prior to the implementation of interchangeable NPAs in 1995; and

**WHEREAS**, The Administrator of the North American Numbering Plan (Bellcore) has recommended against the proposed use of the N11 service codes, for industry development of alternative abbreviated dialing capabilities, and for uniform use of 10-digit telephone numbers; and

**WHEREAS**, The use of N11 service codes and abbreviated dialing arrangements could lead to consumer confusion and complaints similar to those associated with 900/976 services; and

**WHEREAS**, The National Association of Regulatory Utility Commissioners (NARUC) proposed consumer safeguards for 900/976 services in its July 1991 'Resolution on 900 Pay-Per-Call Service'; and

NARUC'S AUGUST 12, 1992 WRITTEN EX PARTE PRESENTATION - ADDENDUM

**WHEREAS**, There may be nationwide public service uses for N11 service codes, such as access to dual party relay services, that could be undermined if N11 service codes are used in an unwise manner; and

**WHEREAS**, The recall of an N11 service code from an Enhanced Service Provider (ESP) would lead to customer confusion and probable litigation; and

**WHEREAS**, The use of N11 codes, as proposed, would be primarily for the provision of intrastate information and related services; and

**WHEREAS**, Regulation of intrastate information and related services, including end user access to those services, is within the jurisdiction of the states; and

**WHEREAS**, Other abbreviated dialing arrangements, such as NNX# or NXX#, could be used for assignment to ESPs; and now therefore be it

**RESOLVED**, That the Communications Committee of the National Association of Regulatory Utility Commissioners (NARUC), convened at its Summer Meeting in Seattle, Washington, opposes the use of N11 service codes for individual ESPs; and be it further

**RESOLVED**, That the FCC join in a cooperative effort with the States to develop guidelines for the use of N11 service codes on a nationwide basis for public services; and be it further

**RESOLVED**, That the FCC initiate further inquiry into the expanded use of other abbreviated dialing arrangements, such as NXX# and NNX#; and be it further

**RESOLVED**, That, if the FCC chooses to make N11 service codes or any other abbreviated dialing arrangements available for use with intrastate enhanced/information services, the assignment of those codes shall be within the jurisdiction of the states; and be it further

**RESOLVED**, Should the FCC act to authorize the use of N11 service codes for abbreviated dialing arrangements or authorize any other type of abbreviated dialing plan, the FCC should adopt consumer safeguards like those proposed by the NARUC in its July, 1991 Resolution on 900 Pay-Per-Call Service; and be it further

**NARUC'S AUGUST 12, 1992 WRITTEN EX PARTE PRESENTATION - ADDENDUM**

**RESOLVED**, That the NARUC opposes any Federal legislation or FCC Rules that would preclude states from enacting additional safeguards and/or more stringent rules for the use of N11 service codes or any other type of abbreviated dialing plan; and be it further

**RESOLVED**, That the NARUC General Counsel shall file papers and other documents supporting the policies of this resolution in the appropriate forums to further this recommendation.

Sponsored by the Committee on Communications

Adopted by NARUC's Executive Committee

Reported NARUC Bulletin No. 32-1992, page 6 (August 10, 1992).

**NARUC'S JULY 1991  
Resolution On 900 Pay Per Call Service**

**WHEREAS**, Pay Per Call Information Service (900/976) generally refers to a telecommunications service which allows the simultaneous calling by large numbers of callers to a single "900/976" prefix telephone number and where the calling party is charged for the call at a rate different from, and often higher than, that charged for an ordinary long distance call for goods and/or services; and

**WHEREAS**, The provision of 900/976 service usually involves four parties; first, the interexchange carrier (IXC) who provides the tariffed transmission service and tariffed or non-tariffed billing and collection service; second, the information provider (IP) or sponsor who provides the service, entertainment, information, or product and sets the price to the caller; third, the local exchange carrier (LEC) who by contract or tariff provides billing and collection service for the IXC; and fourth, the service bureau who takes service from the IXC on behalf of the IP; and

**WHEREAS**, There are many 900/976 information providers offering useful services, however some IP services, entertainment and/or information are the subject of wide spread consumer complaints to state and federal communications regulatory agencies and Congress relating to high rates, inadequate disclosure of rates, deception, or rates out of proportion with the service received; and

**WHEREAS**, 900/976 service is the subject of various bills before Congress including HR-2330, HR-328, and S-471; and

**WHEREAS**, The Federal Communications Commission (FCC) has issued a notice of Proposed Rulemaking in CC Docket No. 91-65; and

**NARUC'S AUGUST 12, 1992 WRITTEN EX PARTE PRESENTATION - ADDENDUM**

**WHEREAS**, Several states are considering rulemakings or have instituted proceedings on 900/976 Services; now, therefore, be it

**RESOLVED**, That the Executive Committee of the National Association of Regulatory Utility Commissioners (NARUC), convened at its Summer Meeting in San Francisco, California, recommends that any Federal legislation or FCC rules adopted concerning 900/976 Service should include the following safeguards:

- o A preamble that discloses the name of the company, nature of the service and specific price. IPs collecting for charity must also disclose the name of the charity and the purpose of the fund raising. Programming directed at minors must also provide notification that parental permission is required before continuing with the call. Consideration may be given for waivers of the preamble for nominally priced services.
- o After the preamble, a sufficient period of time to allow the caller to hang up before incurring a charge.
- o A cap on the amount of charges for programming targeted at children.
- o A specific complaint procedure and refund or "adjustment" policy should be in place for 900/976 services.
- o States should have the flexibility to promulgate terms and conditions for blocking 900/976 services.
- o Consider where technically feasible a separate prefix and selective blocking for programs which contain sexually explicit material that would be considered "harmful" to minors.
- o A customer's basic telephone service cannot be disconnected for nonpayment of 900/976 charges.
- o A local or toll free number for disputes or inquiries must be included on the customer's bill.
- o All advertisements and promotional materials must clearly and conspicuously identify all charges for the call.
- o Advertisements directed towards children must contain a statement that parental permission is required before calls are placed.



**NARUC'S AUGUST 12, 1992 WRITTEN EX PARTE PRESENTATION - ADDENDUM**

- o Provision of the name, address, and business phone number of an information provider by the carrier/billing agent at any customer's oral or written request, in a reasonable time and at no cost.
- o Disconnection of programs which do not comply with State and Federal requirements or which are found to be fraudulent; and be it further

**RESOLVED**, That NARUC Executive Committee opposes any Federal legislation or FCC rules that would preclude States from adopting additional safeguards and/or more stringent rules; and be it further

**RESOLVED**, That the NARUC General Counsel will file comments concerning NARUC's position on 900/976 service with the appropriate agencies or Congressional committees considering rules or bills and distribute this resolution to members for their consideration.

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Sponsored by the Committee on Communications

Adopted July 24, 1991

Reported NARUC Bulletin No. 31-1991, pages 9-11